

REMARKS.

In the Final Official Action mailed 29 June 2005, the Examiner reviewed claims 39-41, 44-48, 50-55 and 57-73. The Examiner has objected to the most recent claim amendments as being illegible due to poor facsimile transmission quality; has rejected claims 39, 40, 44, 47, 48, 50-55, 60-63, 65-67 and 69-73 under 35 U.S.C. §103(a); has rejected claims 41 and 57-59 under 35 U.S.C. §103(a); has rejected claim 64 under 35 U.S.C. §103(a); has rejected claims 39, 47 and 48 under 35 U.S.C. §103(a); and has rejected claims 44-46 and 68 under 35 U.S.C. §103(a).

Applicant has amended claims 39, 41 and 61-63, canceled claims 40 and 48, and added claims 133-136. Claims 39, 41, 44-47, 50-55, 57-73 and 133-136 are now pending.

The Examiner's objection and rejections are respectfully traversed below, and reconsideration is requested in view of the amendments.

Objection to Claims Due to Poor Fax Transmission Quality

The Examiner has objected to the claims "because the small print size was not conveyed accurately by facsimile transmission, making reading difficult. Substitute claims of proper print quality on good quality paper are required."

Pursuant to the objection by the Examiner, a legible copy of the amendment filed 17 December 2004 is enclosed herewith.

Accordingly, reconsideration of the objection to claims 39-41, 44-48, 50-55 and 57-73 as resubmitted is respectfully requested.

Rejection of Claims 39, 40, 44, 47, 48, 50-55, 60-63, 65-67 and 69-73 under 35 U.S.C. §103(a)

Claims 39, 40, 44, 47, 48, 50-55, 60-63, 65-67 and 69-73 are rejected under 35 U.S.C. §103(a) as being unpatentable over Terry et al. (US 5,388,185) in view of Keen (US 5,638,438).

Applicant has amended claims 39 and 60-63, and canceled claims 40 and 48. Reconsideration of the rejection is requested in view of the amendments.

Claim 39 is amended to include the following limitation:

executing an interface at a server or network of servers in a data network for selection of audio data products from, and for access to, a catalog of audio data products;

No reference in the record includes a similar step. The Examiner characterizes the telephone touch tone keypad of Terry et al. as a graphical user interface, and relies on the

graphical touch screen interface on Keen to expand the interface to a plurality of audio products, where the audio products comprise prerecorded telephone numbers on the touch screen of Keen. The combination of Terry et al. and Keen results in a standard telephone with a graphical interface that facilitates dialing prestored telephone numbers, which can be used in the telephone network of Terry et al. The prestored telephone numbers of Keen, according to the Examiner's interpretation, correspond with the catalog of audio data products of claim 39.

Applicant has amended claim 39 to locate the interface to the catalog of audio data products at a server or network of servers in a data network, and to require that the first receiving, second receiving, obtaining and associating steps in claim 39 occur at the server or network of servers. There is no similar structure in the combination of Terry et al. and Keen. In Terry et al., the system for speech processing is accessed via the telephone dual tone multifrequency or touch tone signaling to turn the system on or off for a subsequent telephone call. (Terry et al., column 4 line 60-column 5 line 7). Thus, the Terry et al. interface is not associated with a catalog of audio data products, nor with any particular telephone number to be called, and does not allow for selection of such phone numbers from a catalog. Keen describes a hierarchical repertory or database to help users find telephone numbers stored in a "touch screen based product." Thus, to the extent that a list of telephone numbers qualifies as a catalog of audio data products, the interface to such telephone numbers is found on the touch screen based product, and not in a server or network of servers in a data network. If the product of Keen were combined with Terry et al., the nature of the interface to the Terry et al. speech processing server would be unaltered.

Accordingly, the combination cited by the Examiner does not suggest the features of claim 39, as amended, and reconsideration is respectfully requested.

Applicant has added claims 133 and 134, which depend from claim 39 as amended. Claim 133 recites that the catalog of audio data products presents a plurality of variant types of products, such as described in the specification. The system based on a combination of Terry et al. and Keen relates only to telephone calls. Claim 134 recites an embodiment in which the customized audio data product comprises a data structure including the selected audio data product unmodified, along with data representing the customer hearing profile, that is adapted for processing at the customer terminal. The system based on the combination of Terry et al. and Keen requires processing the telephone call at the speech processing center before delivery to the customer.

Amendments to claims 61-63 correct a typographical error.

Claims 44, 47, 50-55, 60-63, 65-67 and 69-73 depend from claim 39 as amended, and are believed allowable for at least the same reasons, and because of the unique combinations recited.

Accordingly, reconsideration of the rejection of claims 39, 40, 44, 47, 50-55, 60-63, 65-67 and 69-73 as amended is respectfully requested.

Rejection of Claims 41 and 57-59 under 35 U.S.C. §103(a)

Claims 41 and 57-59 are rejected under 35 U.S.C. §103(a) as being unpatentable over Terry et al. (US 5,388,185) in view of Keen (US 5,638,438) as applied to claim 39 above, and further in view of Moon et al. (US 6,433,801). Applicant has amended claim 41, by incorporating the subject matter of claim 39 as amended with the exception of the delivering step, and recasting it in independent form. Reconsideration of the rejection is requested in view of the amendment.

Thus, claim 41 as amended distinguishes over the combination of references relied upon by the Examiner for the reasons discussed above in connection with claim 39.

Claims 57-59 depend from claim 39 as amended, and are believed allowable for at least the same reasons, and because of the unique combinations recited. With respect to claims 57-59, the Examiner refers to "the inherent normal method of operation of that system." This comment is unclear to Applicant, because it is not clear what system is being referred to, and it is not clear what exactly is supposed the inherent in that system. Therefore, Applicant does not acquiesce in the Examiner's characterization of some inherent feature in the prior art.

Accordingly, reconsideration of the rejection of claims 41 and 57-59 as amended is respectfully requested.

Rejection of Claim 64 under 35 U.S.C. §103(a)

Claim 64 is rejected under 35 U.S.C. §103(a) as being unpatentable over Terry et al. (US 5,388,185) in view of Keen (US 5,638,438) as applied to claim 39 above, and further in view of Zanco (US 5,630,159).

Claim 64 depends from claim 39 as amended, and is believed allowable for at least the same reasons, and because of the unique combination presented.

Accordingly, reconsideration of the rejection of claim 64 in view of the amendments is respectfully requested.

Rejection of Claims 39, 47 and 48 under 35 U.S.C. §103(a)

Claims 39, 47 and 48 are rejected under 35 U.S.C. §103(a) as being unpatentable over Knappe et al. (US 6,061,431) in view of Keen (US 5,638,438). As mentioned above, claim 39 has been amended, and claim 48 has been canceled.

Knappe et al. describes a telephone system similar to that of Terry et al. discussed in detail above. The combination of Knappe et al. and Keen fails to include the step of executing an interface at a server, as required in claim 39 as amended. This distinction has been discussed above with reference to the rejection over Terry et al.

Claim 47 depends from claim 39, as amended, and is believed patentable for at least the same reasons, and because of the unique combinations recited.

Accordingly, reconsideration of the rejection of claims 39 and 47 as amended is respectfully requested.

Rejection of Claims 44-46 and 68 under 35 U.S.C. §103(a)

Claims 44-46 and 68 are rejected under 35 U.S.C. §103(a) as being unpatentable over Knappe et al. (US 6,061,431) in view of Keen (US 5,638,438) as applied to claim 39 above, and further in view of Kopke et al. (US 4,471,171).

Claims 44-46 and 68 depend from claim 39 as amended, and are believed patentable for at least the same reasons, and because of the unique combinations recited.

Examiner relies upon Kopke et al. to suggest the features related to implementation of hearing profiles recited in claims 44-46 and 68. However, Kopke et al. arises from the field of digital hearing aids, and is believed unrelated to the audio data processing subject of the present invention.

Accordingly, reconsideration of the rejection of claims 44-46 and 68 as amended is respectfully requested.

CONCLUSION

It is respectfully submitted that this application is now in condition for allowance.

The Commissioner is hereby authorized to charge any fee determined to be due in connection with this communication, or credit any overpayment, to our Deposit Account No. 50-0869 (RXSD 1000-1).

Respectfully submitted,

Dated:

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